

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRED ALSTON, as a Trustee of the Local 272 Labor-	:	
Management Pension Fund, et al.,	:	24-CV-7393 (JAV)
	:	
Plaintiffs,	:	<u>ORDER ADOPTING</u>
	:	<u>REPORT AND</u>
-v-	:	<u>RECOMMENDATION</u>
	:	
CENTERPARK SERVICES LLC, et al.,	:	
	:	
Defendants.	:	
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JEANNETTE A. VARGAS, United States District Judge:

On February 7, 2025, Defendants filed a motion to dismiss the Amended Complaint in this action for lack of subject matter jurisdiction and failure to state a claim. ECF No. 31. This motion was referred to Magistrate Judge Moses for a Report and Recommendation. ECF No. 6. In the Report and Recommendation filed on May 23, 2025, Magistrate Judge Moses recommended that motion to dismiss be denied. ECF No. 36.

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court “must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). Conclusory or general objections that merely refer the district court to previously filed papers or arguments do not constitute proper objections under Rule 72(b). *Miller v. Brightstar Asia, Ltd.*, 43 F.4th 112, 120 (2d Cir. 2022). To accept those portions of the report to which no timely or proper objection has been made, a

district court need only satisfy itself that there is no clear error on the face of the record. *See id.* at 120 & n.4.

In the present case, the Report and Recommendation advised the parties that they had fourteen days from service of the Report and Recommendation to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. *See* ECF No. 36. In addition, the Report and Recommendation expressly called the parties' attention to Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). Nevertheless, as of the date of this Order, no objections have been filed and no request for an extension of time to object has been made. Accordingly, Defendant has waived the right to object to the Report and Recommendation or to obtain appellate review. *See Miller*, 43 F.4th at 120.

Despite the waiver, the Court has reviewed the Report and Recommendation, unguided by objections, and finds it to be thorough and well reasoned, and accurately sets forth the facts and the law. Accordingly, the Report and Recommendation is ADOPTED in its entirety.

The Clerk of Court is directed to terminate Docket No. 31.

SO ORDERED.

Dated: July 21, 2025
New York, New York


JEANNETTE A. VARGAS
United States District Judge